

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 27, 2006

DIVISION ONE

B187357 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Lisa M.

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B174416 Western United Service Corporation (Not for Publication)
 v.
 Frederic J. Greenblatt et al.

The order is affirmed. Each party shall bear own costs.

Mallano, J.

I concur: Spencer, P.J.
I dissent: Rothschild, J. (Opinion)

B187560 People (Not for Publication)
 v.
 Johnson

The judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

DIVISION ONE (Continued)

B175732 People (Not for Publication)
v.
James Irvin Young III

The judgment is reversed as to counts 1, 3, 5, 8, 14, 22, 24, 27 and 30 and the enhancements on counts 22 and 30. In all other respects, the judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

B174809 Diaccents-Superings, Inc. (Not for Publication)
v.
California Center Bank

The order is reversed. The trial court is directed to vacate its order sustaining Bank's demurrer without leave to amend and to enter a new and different order, overruling the demurrer. Diaccents is to recover costs on appeal.

Spencer, P.J.

I concur: Rothschild, J.
I concur in the judgment only: Vogel (Miriam A.), J.

B182104 City of Santa Monica
B184549 v.
Gonzalez

Filed order certifying opinion for publication.

DIVISION ONE (Continued)

B180883 Kim (Not for Publication)

v.

Kim

Longevity Network

Longevity's request for judicial notice is granted. The orders of October 25, 2004, and January 7, 2005 (as modified by the January 24, 2005 order), are affirmed. On remittitur, the trial court shall enter an award of attorney fees to Susan Kim in the amount of \$62,520.00. Susan Kim is entitled to her costs on appeal.

Mallano, J.

We concur: Spencer, P.J.
 Rothschild, J.

B188345 Bob Parrett Construction, Inc., et al. (Certified for Publication)

v.

Superior Court, Los Angeles County

(Northrop Grumman Space and Mission Systems Corporation, r.p.i.)

The petition is granted, and a writ shall issue commanding the trial court (1) to vacate its order denying BPC's motion for a determination that its settlement was made in good faith, (2) to hear the matter anew, and (3) to issue a ruling on the merits of the motion. The parties shall pay their own costs of these writ proceedings.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

DIVISION ONE (Continued)

B184681 People (Not for Publication)
v.
Takabayashi

The case is remanded to the trial court with directions to permit defendant to withdraw his guilty plea. If he chooses to do so, the case is to be set for trial. If defendant chooses not to withdraw his plea, the judgment is affirmed.

Spencer, P.J.

We concur: Mallano, J.
 Rothschild, J.

DIVISION TWO

B186257 People (Not for Publication)
v.
Coates

The Court:

The judgment is affirmed.

Boren, P.J., Doi Todd, J., Chavez, J.

B182332 People v. Thomas (Not for Publication)

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION TWO (Continued)

B183404 People v. Diop (Not for Publication)

The Court:

The judgment is modified to require appellant to provide the specimens, samples, and print impressions pursuant to Penal Code section 296. In all other respects the judgment is affirmed. The superior court is directed to modify the abstract of judgment accordingly and send a corrected copy to the Department of Corrections.

Boren, P.J., Doi Todd, J., Ashmann-Gerst, J.

B187351 Los Angeles County, D.C.S. (Not for Publication)
v.
C.C.L.

The judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
Chavez, J.

B184737 People (Not for Publication)
v.
Powers

The judgment is affirmed.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

DIVISION TWO (Continued)

B182417 People (Not for Publication)
v.
Gonzalez

For the reasons stated, the judgment is reversed, and the cause is remanded with directions to the trial court to conduct a hearing to consider whether defendant is entitled to a continuance based on the decisions in *Stankewitz, supra*, 40 Cal.3d 391, *Krouse v. Graham, supra*, 19 Cal.3d 59, *Elkins, supra*, 123 Cal.App.3d 632, *People v. Perez, supra*, 4 Cal.App.4th 893, and *Hord, supra*, 15 Cal.App.4th 711. If the trial court determines that it is reasonably likely that defendant can develop evidence of juror misconduct supporting a motion for new trial, it will vacate its order denying the motion for new trial, grant defendant a short continuance, and later hear the motion for new trial. If not, the trial court shall reinstate the judgment.

Also on remand, the trial court should resentence defendant or modify the reinstated judgment in conformity with the decision in *People v. Lopez*, *supra*, 34 Cal.4th 1002.

Doi Todd, J.

We concur: Boren, P.J.
 Chavez, J.

DIVISION THREE

B189588 Sarkis Gumrikyan et al. (Not for Publication)
v.
Khachik Kesheshyan et al.

The appeal is dismissed as an appeal from a nonappealable order. The petition for writ of supersedeas is dependent upon the existence of a viable appeal and therefore is dismissed as are the various additional motions/requests for a stay. Defendants are entitled to costs incurred in this proceeding. In all other respects the motion for sanctions is denied.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B185076 People (Not for Publication)
v.
Orlando M.

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION FIVE

B182998 In re: Marriage of Arenas (Not for Publication)
 Vincent M. Arenas
 v.
 County of Los Angeles Child Support Services Department

The February 10, 2005 order denying without prejudice the Family Code section 17526 motion for a judicial determination of child support arrearages is affirmed. The County of Los Angeles Child Support Services Department shall recover its costs incurred on appeal from Vincent M. Arenas.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION FIVE (Continued)

B188566 Green Crest Drive (Not for Publication)
Homeowners Association
v.
John R. Calvert, et al.,

The order denying the special motion to strike brought by defendants, John R. Calvert and Wildwood Canyon Estates, LLC, is affirmed. Plaintiff, Green Crest Drive Homeowners' Association, is to recover its costs on appeal, jointly and severally, from defendants, John R. Calvert and Wildwood Canyon Estates, LLC.

Turner, P.J.

We concur: Armstrong, J.
Mosk, J.

B180724 People (Not for Publication)
v.
Deric Monroe Mason

The judgment of conviction for violating section 12021.1, subdivision (a) is reversed. Upon issuance of the remittitur, the charge of a violation of section 12021.1, subdivision (a) is to be ordered dismissed. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Armstrong, J.
Mosk, J.

DIVISION SIX

B188034 People (Not for Publication)
v.
Agnew

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B188915 People (Not for Publication)
v.
Schiebel

The judgment (order of commitment) is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B182260 People (Not for Publication)
v.
Zendejas

The judgment is reversed and remanded with directions to resentence Zendejas consistent with this opinion. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B184810 Canela (Not for Publication)
v.
Gonzalez

The judgment is affirmed. Costs are awarded to respondent.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B187078 Ventura County Human Services Agency (Not for Publication)
v.
Amy C.

The October 18, 2005, order terminating appellant's parental rights to Carlos is conditionally reversed, and the matter is remanded so that the juvenile court may direct HSA to give proper notice in compliance with the ICWA. If no tribe indicates that the child falls within the meaning of ICWA within 60 days of notice, the juvenile court shall reinstate the order terminating parental rights. If the court determines that Carlos is subject to the ICWA, the court shall conduct further appropriate proceedings and apply the law applicable to an Indian child.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B182340 People (Not for Publication)
v.
Kelly

The judgment is affirmed.

Coffee, J.

We concur: Yegan, Acting P.J.
Perren, J.

DIVISION SEVEN

B182180 People (Not for Publication)
v.
Stokes

The judgment is affirmed.

Perluss, P.J.

We concur: Woods, J.
Zelon, J.

B181857 Sheppard Mullin Richter & Hampton (Not for Publication)
v.
Superior Court, Los Angeles County
(Clarey, R.P.I.)

The petition for writ of mandate is denied. Each side to bear its own costs.

Johnson, J.

I concur: Zelon, J.
I dissent: Perluss, P.J. (Opinion)

B166126 People (Not for Publication)
v.
Williams and Leighton

The judgments are modified to strike the parole revocation fines. In all other respects, the judgments are affirmed.

Johnson, J.

We concur: Perluss, P.J.
Woods, J.

June 27, 2006 (Continued)

DIVISION SEVEN (Continued)

B178055 People (Not for Publication)
v.
Nieves

The judgment is modified by striking the \$10,000 parole revocation fine and reducing the attempted deliberate and premeditated murder to life with the possibility of parole. In all other respects, the judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

DIVISION EIGHT

B187848 Kuist, (Not for Publication)
v.
Bedrosian

The judgment (order of dismissal) as to John C. Bedrosian is affirmed. Bedrosian is to recover his costs on appeal.

Boland, J.

We concur: Cooper, P.J.
Flier, J.

B173022 Karlsson et al., (Certified for Publication)
v.
Ford Motor Company

For the reasons set forth above, the judgment is affirmed. Respondents to recover his costs on appeal.

Rubin, J.

We concur: Cooper, P.J.
Boland, J.

DIVISION EIGHT (Continued)

B187818 Charles Higgins II, et al., (Certified for Publication)

v.

Superior Court, Los Angeles County

(Disney/ABC International Television, Inc., et al., r.p.i.)

The petition for writ of mandate is granted. The respondent court is directed to vacate that part of its December 1, 2006 order granting the petition of the television defendants to compel arbitration and staying certain claims, and to thereafter enter a new and different order denying the petition to compel arbitration. Petitioners are entitled to recover their costs in this writ proceeding. (Cal. Rules of Court, rule 56(l)(1).)

Rubin, J.

We concur: Cooper, P.J.

Boland, J.

B184534 People (Not for Publication)

v.

Daniel J.

The eight-month sentence on count 2 (receiving stolen property) is stayed pursuant to Penal Code section 654 and the matter is remanded to the juvenile court to exercise its discretion to determine whether the offenses were felonies or misdemeanors. If the juvenile court determines that the offenses were misdemeanors, it shall recalculate the term of commitment. In all other respects, the order of wardship is affirmed.

Rubin, J.

We concur: Cooper, P.J.

Flier, J.